



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

September 21, 2006

Donworth

Present: Acting Chairman John Chihak, Commissioners Karen Scott, Jake Donoghue, Dennis Casey, Gordon Roberts

Guests: Town Planner Mona Green

Deputy Clerk: Betsy Donworth

Acting Chairman Chihak called the meeting to order.

Minutes: Minutes of June July 20, 2006 meeting were approved.

Minor Structural Elements in Setbacks:

Commissioner Scott reported on the discussion held at the September Town Council meeting regarding proposed modifications to the Town Zoning code. At their July 2006 meeting, the Planning Commission recommended that Section 8.H of the Zoning Code Ordinance (No. 333) would be amended to read (ADDITION IN CAPS)

- H. The following structures may be allowed within setback areas: fences; retaining walls; rockeries up to thirty (30) inches tall; ornamental landscape structures up to thirty (30) inches tall, including ornamental pools of any depth provided they comply with safety regulations stipulated in Ordinance 187; garden trellis gates up to eight (8) feet tall; **EAVES OR ROOF OVERHANGS UP TO EIGHTEEN (18) INCHES IN DEPTH; CHIMNEYS UP TO EIGHTEEN (18) INCHES IN DEPTH AND NO LONGER THAN 25% OF THE LENGTH OF THE BUILDING FACADE.**

Commissioner Scott stated that she thinks the Town Council is in favor of the proposed change, but feels that there is some vagueness to it. The Council asked that the Planning Commission to review the proposal, and provide additional information, as follows:

- 1) Provide a greater explanation of the need. The rationale for making the change was unclear during the discussions. It would be helpful for discussion purposes if the Planning Commission identified the situations that would benefit from the change.
- 2) Consider removing chimney areas as an allowed encroachment.
- 3) Review an alternative that would allow 1st (ground) level encroachments only - with second levels requiring some form of additional setback.
- 4) Provide a form of graphic that would depict the specifics of the above.

After some discussion, the Commissioners agreed that making alterations to the proposal would be a good idea. They discussed limiting the chimney exemption, deciding that a 6' chimney intrusion would be reasonable. Discussion continued on eave intrusions: Commissioner Chihak stated that eaves are not an intrusion of space and that having eaves intrude into setbacks does not increase fire risk. Commissioner Roberts added that a 10' side setback with an 18" eave intruding is OK. Commissioner Casey commented that in essence the zoning code provides for a 12.5' setback now – changing the code creates a workable solution as homes are being replaced.

Town Planner Green commented that there has not been a problem with homeowners complying with the current zoning code with respect to minor intrusions into the setbacks. Houses have been built to maximum GAFAR, without any demand for this proposed change. Eave restrictions have not affected the sq. footage of a home, and most homes have been built up to the maximum square footage allowed.

Commissioner Chihak addressed the 4 points brought up by the Town Council:

1) What is driving this:

- a) Modifications were driven by an architectural (visual) reason.

- b) Creating more open space (setting a building to allow 18' eaves)
 - c) Providing for a simplification of the variance process.
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- 2) Following the concerns and recommendations from the Town Council, chimneys should be allowed up to 6' maximum on any given side.
 - 3) Mona's graphic shows that the 2nd floor would be limited severely just to get an 18' eave.

After further discussion,

The Planning Commission agreed on the following language for the zoning code change:

..... EAVES OR ROOF OVERHANGS UP TO EIGHTEEN (18) INCHES IN DEPTH; ONE CHIMNEY UP TO EIGHTEEN (18) INCHES IN DEPTH AND NO WIDER THAN SIX (6) FEET.

Adjourn: Acting Chairman Chihak adjourned the meeting.

Respectfully submitted,

Betsy Donworth
Deputy Town Clerk